

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the instant amendments and following remarks.

Claims 1, 3-6, and 8-10 are pending in the application. The abstract of the invention has been amended as suggested by the Examiner to correct typesetting formalities. Claim 1 has been amended. Support for the amendment to claim 1 can be found throughout the specification. See, for example, page 5. A listing of the claims is included in the response for the convenience of the Examiner. No new matter has been introduced by the instant amendments.

Claims 8 and 9 have been withdrawn from consideration as being directed to a non-elected invention.

The abstract of the invention was objected to because of an indentation at line 4. The replacement abstract provided herewith removes the indentation but is otherwise identical to the abstract presented in the amendment filed July 26, 2005. Thus, the objection is now moot.

Claims 1, 4 and 5 were again rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

The rejection is traversed.

The specification clearly describes the method for obtaining the flatness of the flat portion (1A) of the resin container at page 27. More particularly, the specification recites the type of analytical apparatus, the type of probe, the positions on the flat portion (1A) to be measured, and the analytic method to determine the flatness of the flat portion (1A).

Clearly then, the specification provides ample written description of how to measure the flatness of the flat portion of the resin container.

As provided by the specification at page 27, a low-pressure probe or non-contact laser probe is used in a three-dimensional structure measuring apparatus to measure the three-dimensional distortion of the structure by measuring the vertical position of the flat portion (1A) within 2 mm of the periphery of the flat portion at eight locations on the surface (corresponding to the corners of the flat portion and four intermediate positions about the periphery of the flat portion). The flatness is then calculated by least square regression from the variances in height measurements for the eight data points.

The surface waviness and sink mark depth are measured according to the industry standard JIS B 0601-2001, a copy of which is attached. Moreover, the terms are used consistent with their plain and ordinary meaning in the art.

Claims 1 (as amended), 4, and 5, are fully compliant with the requirements of 35 U.S.C. §112, including the written description requirements of §112, first paragraph.

Claims 1-7 and 10 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Bird in view of Satake and in further view of Sylvester.

The rejection is traversed.

Claim 1, as amended, provides a resin container produced by injection molding, including the formation of the flat portion by injection molding.

No combination of the art of record teaches or suggests forming a resin container by injection molding. More particularly, no combination of the cited art teaches or suggests a molded resin container comprising a container body having a recessed flat portion defined by a peripheral rise portion wherein the recessed flat portion is formed by injection-molding.

As noted by the Office action, the pockets are thermoformed in a pre-formed sheet or film, which may be formed by injection molding. Thus, Bird neither teaches nor suggests injection-molding a resin to form a container body or forming a recessed flat portion of the container body by injection-molding.

As the reference is understood, Bird recites at column 12, lines 44-58 the formation of carrier tapes prepared by shaping pockets **into a sheet of polymeric material**. Thus, in one method of making carrier tapes, a **flexible** thermoplastic polymer is first formed into a sheet and then secondly thermoformed to introduce pockets into the sheet. Bird teaches that the sheet can be obtained by (1) providing a preformed role or sheet, by direct extrusion, or by continuous injection molding. After providing the flexible thermoplastic polymer sheet, the sheet is then thermoformed in a mold or die to introduce the pockets. See, FIG. 5 of Bird, in which a preformed sheet 200 is pre-heated by a heating element 202 and then **thermoformed** by a mold or die 204.

Injection molding is a method of making articles which is completely different from thermoforming such that one of ordinary skill in the art can readily distinguish between articles prepared by injection molding and those prepared by thermoforming.

Thus, Bird does not teach resin containers having a container body composed of an injection molded amorphous thermoplastic resin or a container body having a recessed flat portion defined by a peripheral rise portion wherein the recessed flat portion is formed by injection-molding.

The office action avers that "Bird teaches that the container body is produced by injection-molding any sufficiently flexible polymeric material" (page 4, lines 6-7) and that "the container of Bird is produced by injection molding" (page 10, line 9-10). Neither assertion is correct. Bird recites that an intermediate product, e.g., a sheet of film, may be produced by continuous injection molding and then subsequently a container of

thermoformed from the blank sheet. Thus, the *container* is thermoformed not injection molded.

As the office action is understood, Sylvester is relied upon for the purpose of showing side wall height, flatness, surface area and thickness of the bottom wall.

As the office action is understood, Satake is relied upon for the purpose of showing thermoplastic resins which are suitable for use in

Thus, neither Sylvester nor Satake overcome the limitations of the Bird reference. More particularly, neither Sylvester nor Satake teach or suggest a molded resin container comprising a container body having a recessed flat portion defined by a peripheral rise portion wherein the recessed flat portion is formed by injection-molding.

For at least the reasons discussed *supra*, one of ordinary skill in the art would not have been motivated to prepare the resin containers provided by the instantly claimed invention. Thus, withdrawal of the §103(a) rejection and reconsideration of the claims is requested.

Early consideration of the application and claims as amended is earnestly solicited.

Application No. 10/616,538
Amendment dated February 10, 2006
Reply to Office Action of November 2, 2005

Docket No.: 59549(71360)

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

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Respectfully submitted,

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